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## LEGISLATIVE HISTORY

Public Law 516--77th Congress

Chapter 211--2d Session

H. R. 6360

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## DIGEST OF PUBLIC LAW 516

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS. Amends the Perishable Agricultural Commodities Act so as to make it a violation of law for dealers to fail or refuse truly and correctly to account and make full payment promptly in connection with transactions under the act, or to fail, without reasonable cause, to perform specifications of duty arising out of undertakings in connection with such transactions (clarifying present law by referring specifically to the requirements for full payment).



## INDEX AND SUMMARY OF HISTORY OF H. R. 6360

January 12, 1942	H. R. 6360 was introduced by Rep. Fulmer and was referred to the House Committee on Agriculture. Print of the bill as introduced.
February 27, 1942	House Committee reported H. R. 6360 without amendment. House Report 1840. Print of the bill as reported.
March 16, 1942	H. R. 6360 was discussed in the House and passed without amendment.
March 17, 1942	H. R. 6360 was referred to the Senate Committee on Agriculture and Forestry. Print of the bill as referred.
March 23, 1942	Senate Committee reported H. R. 6360 without amendment. Senate Report 1188. Print of the bill as reported.
March 30, 1942	H. R. 6360 was discussed in the Senate and passed without amendment.
April 6, 1942	Approved. Public Law 516.









77TH CONGRESS  
2D SESSION

# H. R. 6360

*February*

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 1942

Mr. FULMER introduced the following bill; which was referred to the Committee on Agriculture

## A BILL

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Perishable Agricultural Commodities Act, 1930  
4       (46 Stat. 531), as amended, be amended as follows:

5       "SECTION 1. That section 2. paragraph (4) is hereby  
6       amended by striking out the language therein and substitut-  
7       ing the following:

8       "(4) For any commission merchant, dealer, or broker  
9       to make, for a fraudulent purpose, any false or misleading  
10      statement in connection with any transaction involving any

1 perishable agricultural commodity which is received in inter-  
2 state or foreign commerce by such commission merchant, or  
3 bought or sold, or contracted to be bought, sold, or consigned,  
4 in such commerce by such dealer, or the purchase or sale of  
5 which in such commerce is negotiated by such broker; or to  
6 fail or refuse truly and correctly to account and make full  
7 payment promptly in respect of any transaction in any such  
8 commodity to the person with whom such transaction is had;  
9 or to fail, without reasonable cause, to perform any specifica-  
10 tion or duty, express or implied, arising out of any under-  
11 taking in connection with any such transaction;”,



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## A BILL

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

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By Mr. FULMER

JANUARY 12, 1942

Referred to the Committee on Agriculture



destruction of the cities of Alaska and the at least temporary oppression and degradation of the Alaskan people? Have we forgotten what has happened and is now happening in Manila? No grand strategy requires such a sacrifice. The solution is too simple, the price of safety too low to justify us in taking any such risk. Alaska, once connected with the resources of America by land, could never be conquered. Alaska calls for help. We have delayed dangerously long. Let us complete this task while there may yet be time.

Supplies brought into Alaska over the highway when it is completed, can be readily distributed in the interior of Alaska and in several of the coast cities. There is now in existence a road, called the Richardson Highway, which connects Fairbanks in the interior with Valdez on the southern coast of the Territory. Last year Congress authorized the construction of a road to connect the Richardson Highway with the Army air and military posts at Anchorage at a cost of approximately \$2,000,000 when completed. That road will be finished this year. Hence with the building of the road between the States and Alaska it will be possible to supply all the needs of the Anchorage military establishments by highway, if the sea lanes should be blocked. It is true, of course, that none of the cities in southeastern Alaska is connected with the interior by highway. However, I again invite your attention to the railroad extending southerly from Whitehorse to Skagway on the coast, a distance of 111 miles. From Skagway to Juneau, the capital of Alaska, by sea is about 90 miles. In case of stress it would be much easier to patrol the interior waters of the coast of Alaska and thus facilitate the distribution in the cities of that area of supplies brought over the highway, than it would be to patrol the considerably longer distance between Ketchikan and Seattle.

It will be said that the road will be of little use in supplying the naval bases at Sitka, at Kodiak, and at Unalaska, or Dutch Harbor. As to Dutch Harbor, the point is well taken. But even Sitka and Kodiak might under some circumstances be much more readily and easily supplied by the highway to Whitehorse, thence by rail to Skagway, and thence by the use of aircraft, then they could be by ships or by aircraft coming out of the northwestern part of the State of Washington. Moreover, it is to be remembered that the requirements of the civilian population of Alaska are just as great a moral responsibility as the requirements of our armed forces in the Territory. Most of the civilians were there before the Army and Navy came into Alaska. Two-thirds of the people of Alaska can in any event be readily supplied over the highway in case of necessity, which would make the burden much lighter of supplying the remaining one-third by sea or by air.

It must be obvious that the defense of Alaska, or its use as an offensive outpost would be greatly simplified by the presence in the Territory of a permanent population of several millions of our citizens. Accordingly, the peopling of

Alaska in that respect, also, tends directly and mightily to the promotion of the national defense in that area. In that event, Alaska would undoubtedly be a State and could make its own more powerful contribution to the defense and welfare of the entire country. If statesmanship really involves the quality of being able to look ahead and prepare for the future, then it is plainly the duty of this Congress to make such preparations for the national defense of the future by undertaking the only work that is likely to bring any substantial population to Alaska within the next hundred years, namely, the immediate building of the highway to the Territory.

What I propose here is that we build our own "Burma Road" for the safety and security of the Territory of Alaska and thus of the Nation. No one, unless animated with a defeatist or retreatist outlook will say that the job cannot be done and done soon if we set our hands to it. Let us make a comparison.

The Burma Road is almost identical in length with the proposed Alaskan Highway. It differs, however, in every other respect.

First. The terrain is characterized by tremendous obstacles: Mighty gorges, great rivers, range after range of mountains, passes reaching an elevation of 10,000 feet and hundreds of miles of precipitous rock mountains along the sides of which the road must be cut.

Second. A complete absence of construction materials except those existing on the ground. There was no steel for bridges, no machinery, nothing but the human energy of thousands of men and the materials that existed along the route.

Third. The climate in the lower elevations generated malaria and the death rate reached as high as 80 percent annually. Confronted with this desperate problem the Chinese workmen solved it with their bare hands and their unquenchable spirit, a miracle of engineering achievement, and in a single year.

Certainly, the need for the Alaskan Highway is just as desperate as was the need for the Burma Road.

Can we say that American workmen, equipped with the power and driving force of American road-building machinery equal to the energy of thousands of men, with steel tools and construction materials at hand, working in a simple terrain with no stupendous obstacles, in a markedly healthy country, cannot equal the record of the heroic Chinese and complete this job in a single year? It could be done with one-third of a properly equipped Engineers Division of the United States Army. All that we need is wisdom and calm courage and understanding. This is an opportunity for statesmanship.

#### EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein some brief statutes, letters, and other items.

The SPEAKER pro tempore (Mr. SUL-LIVAN). Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter and resolution from one of my constituents.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

[The matter referred to appears in the Appendix.]

#### ADJOURNMENT

Mr. SHANLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until tomorrow, Tuesday, January 13, 1942, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Wednesday, January 14, 1942)

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, January 14, 1942, at 10:30 a. m., on H. R. 4743.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Tuesday, January 20, 1942)

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, January 20, 1942, to resume hearings on the proposed amendments to the Securities Exchange Act of 1934.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1265. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to extend the time for examination of quarterly accounts covering expenditures by disbursing officers of the United States Navy; to the Committee on Expenditures in the Executive Departments.

1266. A letter from the Administrator, Federal Security Agency, transmitting a detailed report of the receipts and expenditures made during the fiscal year ending June 30, 1941; to the Committee on Expenditures in the Executive Departments.

1267. A letter from the Chairman, United States Coronado Exposition Commission, transmitting the report covering Federal participation in the Coronado Cuarto Centennial, including a detailed statement of expenditures and allocations; to the Committee on Foreign Affairs.

1268. A letter from the Secretary of Agriculture, transmitting a report of the Extension Service for the fiscal year 1940-41; to the Committee on Agriculture.

1269. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to amend the act approved October 24, 1941, to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes (Public Law No. 280, 77th Cong.) so as to remove the limitation on the sum authorized to be appropriated annually to effectuate the purposes of the act; to the Committee on Naval Affairs.

1270. A letter from the adjutant general, Veterans of Foreign Wars of the United States, transmitting the officers' reports of the forty-second national encampment for the fiscal



year ended August 31, 1941; to the Committee on Military Affairs.

1271. A letter from the Assistant Secretary, United States Maritime Commission, transmitting its report for the period ended October 25, 1941; to the Committee on the Merchant Marine and Fisheries.

1272. A letter from the Secretary of the Navy, transmitting a report of the contracts negotiated by the Bureau of Yards and Docks, Navy Department, on a cost-plus-a-fixed-fee basis, for the period January 1, 1941, to December 31, 1941, inclusive; to the Committee on Naval Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NICHOLS: Select Committee to Investigate Air Accidents. House Resolution 125. Resolution creating a Select Committee to Investigate Air Accidents; without amendment (Rept. No. 1575). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARDEN:

H. R. 6353. A bill to provide for the adjustment of tobacco-marketing quotas in certain cases where farm land is acquired by the United States for defense purposes; to the Committee on Agriculture.

Mr. BRADLEY of Michigan:

H. R. 6354. A bill authorizing the transfer to the Lake Shore District Summer Trails Council, Boy Scouts of America, for recreational and training camp purposes certain surplus Federal property; to the Committee on the Merchant Marine and Fisheries.

By Mr. VINSON of Georgia:

H. R. 6355. A bill to amend the act entitled "An act to expedite national defense, and

for other purposes," approved June 28, 1940; to the Committee on Naval Affairs.

H. R. 6356. A bill to amend the act approved October 24, 1941, entitled "An act to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes" (Public Law No. 280, 77th Cong.), so as to remove the limitation on the sum authorized to be appropriated annually to effectuate the purposes of the act; to the Committee on Naval Affairs.

By Mr. COLLINS:

H. R. 6357. A bill increasing by 6 percent the amount of annuity or pension payable under the Railroad Retirement Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H. R. 6358. A bill to amend the Internal Revenue Code with respect to capital gains and losses; to the Committee on Ways and Means.

By Mr. FULMER:

H. R. 6359. A bill granting relief to certain agricultural producers in stricken areas who suffered crop failures in 1941 because of adverse weather conditions, insect pests, or other uncontrollable natural causes; to the Committee on Agriculture.

H. R. 6360. A bill to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended; to the Committee on Agriculture.

By Mr. McKEOUGH:

H. R. 6361. A bill to amend the National Life Insurance Act of 1940 so as to grant insurance benefits to dependents of certain civilian employees at military, air, and naval outposts; to the Committee on Ways and Means.

By Mr. RANDOLPH:

H. R. 6362. A bill to amend an act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929; to the Committee on the District of Columbia.

By Mr. SCHUETZ:

H. R. 6363. A bill to amend the Federal Alcohol Administration Act in order to conserve materials, labor, and transportation in

connection with the packaging and marketing of whisky, protect the revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. WEISS:

H. J. Res. 266. Joint resolution to require military training in the high schools and colleges of the country; to the Committee on Military Affairs.

By Mr. NICHOLS:

H. Res. 403. Resolution amending section 2 of House Resolution 125, Seventy-seventh Congress; to the Committee on Rules.

By Mr. McLAUGHLIN:

H. Res. 405. Resolution authorizing the Committee on the Judiciary of the House of Representatives to have printed additional copies of the hearings held before a subcommittee of said committee on the bill (H. R. 4394) to amend the Bankruptcy Act and acts amendatory thereof; to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 6364 (by request). A bill for the relief of Sigel Lipot; to the Committee on Claims.

By Mr. BOYKIN:

H. R. 6365. A bill for the relief of Commander Cato D. Glover; to the Committee on Claims.

By Mr. DOWNS:

H. R. 6366. A bill for the relief of Alex Lawson; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 6367. A bill for the relief of Jerry Kearney; to the Committee on Naval Affairs.

By Mr. LEA:

H. R. 6368. A bill for the relief of J. V. and Zena Mendoza; to the Committee on Claims.

By Mr. RODGERS of Pennsylvania:

H. R. 6369. A bill for the relief of William R. Jarrett; to the Committee on Naval Affairs.

By Mr. SULLIVAN:

H. R. 6370. A bill for the relief of Mrs. Ching Shee (Ching Toy Wun); to the Committee on Immigration and Naturalization.







to levee protection in the vicinity of Greenville, Miss., requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on February 10, 1938; to the Committee on Flood Control.

1446. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated September 30, 1941, submitting a report, together with accompanying papers, on a preliminary examination and survey of Cadron Creek, Ark., authorized by the Flood Control Act approved on June 28, 1938; to the Committee on Flood Control.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JARMAN: Committee on Printing. House Resolution 448. Resolution authorizing the printing of the proceedings in the House of Representatives on December 19, 1941, commemorating the service of William Tyler Page; without amendment (Rept. No. 1833). Referred to the House Calendar.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 6682. A bill to suspend in part the processing tax on coconut oil; without amendment (Rept. No. 1834). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOGARTY: Committee on the Territories. H. R. 6166. A bill to approve Act No. 70 of the Special Session Laws of Hawaii, 1941, reducing the rate of interest on loans and providing for the reamortization of indebtedness to the Farm Loan Board; without amendment (Rept. No. 1835). Referred to the Committee of the Whole House on the state of the Union.

Mr. PLOESER: Committee on the Territories. H. R. 5962. A bill to ratify and confirm Act 20 of the Special Session Laws of Hawaii, 1941, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; without amendment (Rept. No. 1836). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. S. 1762. An act to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Cocino County, Ariz.; without amendment (Rept. No. 1837). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. S. 2089. An act to authorize the transfer of the custody of a portion of the Croatian National Forest, N. C., from the Department of Agriculture to the Department of the Navy; without amendment (Rept. No. 1838). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. S. 2282. An act to provide for the planting of guayule and other rubber-bearing plants and to make available a source of crude rubber for emergency and defense uses; without amendment (Rept. No. 1839). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. H. R. 6360. A bill to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended; without amendment (Rept. No. 1840). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. MACIEJEWSKI: Committee on Immigration and Naturalization. S. 1161. An act for the relief of Cecelia Pitt; without amendment (Rept. No. 1841). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPMAN:

H. R. 6637. A bill to authorize the coinage of 50-cent pieces in commemoration of the Sesquicentennial of Kentucky Statehood; to the Committee on Coinage, Weights, and Measures.

By Mr. ANDERSON of California:

H. R. 6688. A bill to establish as a part of the Reserve component of the Regular Army a Home Defense Organized Reserve for local home defense; to the Committee on Military Affairs.

By Mr. LAMBERTSON:

H. R. 6689. A bill to provide that the work-week established by the Fair Labor Standards Act of 1938 shall temporarily be extended from 40 hours to 48 hours; to the Committee on Labor.

By Mr. SMITH of Ohio:

H. R. 6690. A bill relating to eligibility for the benefits of the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. DOUGHTON:

H. R. 6691. A bill to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLMES:

H. R. 6692. A bill to provide assistance to certain industrial and business enterprises which, due to priority orders or other action by the Government in connection with the prosecution of the war effort, are insolvent or threatened with insolvency; to the Committee on Banking and Currency.

By Mr. McKEOUGH:

H. R. 6693. A bill making it unlawful for any person engaged in the performance of a defense contract to discriminate against or in favor of any employee because of his race, color, or creed; to the Committee on the Judiciary.

By Mr. O'BRIEN of Michigan:

H. R. 6694. A bill to amend the National Housing Act; to the Committee on Banking and Currency.

By Mrs. NORTON:

H. R. 6698. A bill providing for the option to repurchase by the seller of any lands or buildings, or both, or any right or interest therein sold to the United States of America, together with any improvements made thereon, when not needed for public use; to the Committee on Public Buildings and Grounds.

By Mr. COFFEY of Washington:

H. Res. 450. Resolution to create a special committee to investigate the extent, character, and object of organized propaganda, foreign or domestic, which attacks constitutional government or serves the interests of any country with which the United States is at war, and for other purposes; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Pennsylvania, memorializing the President and the Congress of

the United States to consider their resolution relative to the proposed St. Lawrence seaway; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOLMES:

H. R. 6695. A bill for the relief of Mrs. Esther Mann; to the Committee on Claims.

By Mr. KILBURN:

H. R. 6696. A bill for the relief of the estate of Mary Fortune, deceased; to the Committee on Claims.

By Mr. WENE:

H. R. 6697. A bill for the relief of Jean Boehm; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2496. By Mr. ANGELL: Petition of certain citizens of Multnomah County, Oreg., asking the enactment of House bill 1410; to the Committee on Ways and Means.

2497. By Mr. CULLEN: Petition of Local No. 10, New York Federation of Post Office Clerks, urging that before the 40-hour week is extended for regular employees of the Post Office Department, all existing substitutes be made regulars; to the Committee on the Post Office and Post Roads.

2498. By Mr. GRAHAM: Resolution passed unanimously by the Pennsylvania State Senate on Wednesday, February 25, 1942, memorializing the Congress of the United States not to approve or authorize the construction of the proposed St. Lawrence seaway; to the Committee on Rivers and Harbors.

2499. Also, petition of 77 citizens of Lawrence County, in the State of Pennsylvania, urging that immediate action be taken to prohibit the sale of alcoholic liquors in or near any military or naval station, and to suppress vice in the vicinity of such stations; to the Committee on Military Affairs.

2500. By Mr. CARTER: Petition of the Contra Costa County Central Labor Council, opposing any legislation to set up additional organizations for the construction and management of defense-housing projects, and recommending that all such projects be placed in the hands of local housing authorities wherever such authorities are established and operating; to the Committee on Public Buildings and Grounds.

2501. By Mr. HAINES: Resolution passed unanimously by the Senate of Pennsylvania on February 25, 1942, opposing the St. Lawrence seaway; to the Committee on Rivers and Harbors.

2502. By Mr. MOTT: Petition signed by Howard Gault and 70 other officials and employees of Jackson County, Oreg., urging early enactment of the Vinson bill (H. R. 6444); to the Committee on the Judiciary.

2503. Also, petition signed by James B. Hannah, president, Local No. 128, N. F. O. P. O. C., and 48 other citizens of Oregon, urging enactment of House bill 6486, to reclassify the salaries of postmasters and employees of the Postal Service; to the Committee on the Post Office and Post Roads.

2504. By Mr. ROLPH: Resolution of the Retail Furniture Association of California, Inc., in unalterable opposition to the plan advanced by the Social Security Board for the taking over of the California unemployment insurance program; to the Committee on Ways and Means.





## AMENDING PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AS AMENDED

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FEBRUARY 27, 1942.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. FULMER, from the Committee on Agriculture, submitted the following

### REPORT

[To accompany H. R. 6360]

The Committee on Agriculture, to whom was referred the bill (H. R. 6360) to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended, having considered the same, report thereon with a recommendation that it do pass, without amendment.

#### STATEMENT

This bill was introduced at the request of the Department, as will be shown from attached letter addressed to the Speaker of the House. This letter will also explain the provisions of the bill and the need for its enactment.

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DEPARTMENT OF AGRICULTURE,  
*Washington, D. C., January 3, 1942.*

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is submitted herewith a copy of a proposed bill to amend section 2, paragraph 4, of the Perishable Agricultural Commodities Act, 1930, as amended. This draft is submitted with the hope that it may be given favorable consideration at the earliest possible moment, as a specially constituted three-judge Federal court, sitting in the city of Chicago, Ill., rendered a decision on December 18, 1941, which will disrupt the efficient administration and enforcement of the act.

This decision relates to the interpretation of section 2, paragraph 4, of the Perishable Agricultural Commodities Act, which provides, among other things, that it shall be a violation of the act for any commission merchant, dealer, or broker "to fail or refuse truly and correctly to account promptly in respect of any transaction in any such commodity to the person with whom such transaction is had." For the more than 11 years that this law has been in effect it has always been considered that the phrase "to account" included the actual making of payment. This view was held justified by various court decisions, including one under the Produce Agency Act (44 Stat. 1355), in which the same language appears.

Recently proceedings were initiated in Chicago seeking to have set aside an order of the Secretary of Agriculture revoking the license of Gerstein & Co., of

Chicago, for failure to pay growers and shippers for produce involved in transactions conducted by it. The specially constituted three-judge Federal court which considered this matter, has just decided that the word "account," as used in the Perishable Agricultural Commodities Act, does not include the making of payment. From the record of discussion of this measure in Congress prior to its enactment, and especially from the report of the Committee on Agriculture of the House of Representatives, we are convinced that Congress clearly intended that the word "account" should be considered as including the making of payment. Unless it is so considered, it will be sufficient hereafter for any commission merchant selling goods for the account of growers or others merely to transmit to his principal an account sales showing the amount due without making any payment therefor; likewise, any dealer who buys fresh fruits or fresh vegetables will be able, under the court's interpretation, to satisfy the requirements of this act by furnishing a mere statement to the seller that a certain amount is due. Such an interpretation obviously destroys the value of that portion of paragraph 4 of section 2 relating to accounting, and nullifies what we believe to be the clear desire of Congress on this point. Unless rectified speedily a chaotic situation is bound to be created in the produce industry by those seeking to take advantage of this court decision.]

While it is the intention of the Department to request the Department of Justice to carry this issue to the Supreme Court of the United States, it is realized that such a proceeding, of a necessity, requires considerable time. Meanwhile, we shall be at a loss to know how to proceed with complaints under the Perishable Agricultural Commodities Act involving failure truly and correctly to account, which complaints constitute more than 50 percent of those arising under the act. If the Supreme Court should sustain the decision of the court, we might find ourselves compelled thereafter to refuse all complaints involving failure truly and correctly to account. It is believed, therefore, that the most efficient and practicable manner of handling the situation is to seek speedy action on the proposed amendment.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

GROVER B. HILL,  
Assistant Secretary.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Perishable Agricultural Commodities Act, 1930, as amended, made by the reported bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

\* \* \* \* \*

[(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect to any transaction in any such commodity to the person with whom such transaction is had;]

(4) *For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction;*

Union Calendar No. 657

77<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6360

[Report No. 1840]

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 1942

Mr. FULMER introduced the following bill; which was referred to the Committee on Agriculture

FEBRUARY 27, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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## A BILL

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Perishable Agricultural Commodities Act, 1930  
4       (46 Stat. 531), as amended, be amended as follows:

5       "SECTION 1. That section 2, paragraph (4) is hereby  
6       amended by striking out the language therein and substitut-  
7       ing the following:

8       “(4) For any commission merchant, dealer, or broker  
9       to make, for a fraudulent purpose, any false or misleading

1 statement in connection with any transaction involving any  
2 perishable agricultural commodity which is received in inter-  
3 state or foreign commerce by such commission merchant, or  
4 bought or sold, or contracted to be bought, sold, or consigned,  
5 in such commerce by such dealer, or the purchaser or sale of  
6 which in such commerce is negotiated by such broker; or to  
7 fail or refuse truly and correctly to account and make full  
8 payment promptly in respect of any transaction in any such  
9 commodity to the person with whom such transaction is had;  
10 or to fail, without reasonable cause, to perform any specifica-  
11 tion or duty, express or implied, arising out of any under-  
12 taking in connection with any such transaction;”.





77<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 6360**

[Report No. 1840]

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## **A BILL**

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To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

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By Mr. FULMER

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JANUARY 12, 1942

Referred to the Committee on Agriculture

FEBRUARY 27, 1942

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed





to certain land within Coconino County, Ariz.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized and directed to execute on behalf of the United States a quitclaim deed to Lewis E. Hart and Delia E. Hart, husband and wife, releasing to them all right, title, and interest of the United States in a certain tract of land consisting of approximately three hundred and eighty-seven one-thousandths (0.387) acre in Coconino County, Ariz., which on January 24, 1931, was without consideration and as a gift deeded to the United States by said Lewis E. Hart and Delia E. Hart for the use of the Forest Service and which tract is not now needed for any Government purpose, said deed having been recorded in Book 60 of Deeds, pages 63-64, Records of Coconino County, Ariz.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TRANSFER CUSTODY OF PORTION OF CROATAN NATIONAL FOREST, N. C.

The Clerk called the next bill S. 2089, to authorize the transfer of the custody of a portion of the Croatan National Forest, N. C., from the Department of Agriculture to the Department of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Navy a portion of the Croatan National Forest, N. C., containing approximately 465 acres: *Provided,* That in the event the area transferred pursuant to the provisions of this act shall cease to be used for military purposes, it shall revert to its former national-forest status.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING PERISHABLE AGRICULTURE COMMODITIES ACT, 1930, AS AMENDED

The Clerk called the next bill, H. R. 6360, to amend the act know as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

Mr. HULL. Mr. Speaker, reserving the right to object, I am wondering if the chairman of the committee would be willing to give consideration to legislation by his committee which would strike out the word "perishable" in connection with this bill.

Mr. FULMER. We would be very glad to do that.

Mr. HULL. I have no objection.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, I would like a little more explanation of this bill. Just what does it provide?

Mr. FULMER. They have been administering this provision for 10 or 11 years with commission merchants and others respecting the handling of the

produce of farmers and shippers. The rules and regulations require that the commission merchants shall properly receive the goods, make out accounts, and settle for same. Some of the commission merchants have not properly received the goods, have let them remain on side-tracks; and where they did, while they made out accounts, they did not make payments. All this does is to see that they carry out these rules and regulations so that those who ship—farmers and others—will get proper return under the rules and regulations.

Mr. SMITH of Ohio. This is to protect the Government?

Mr. FULMER. No.

Mr. SMITH of Ohio. It is to protect the farmer?

Mr. FULMER. This is to protect the shipper, the farmer, those who ship in to commission merchants, and others.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), as amended, be amended as follows:

"Section 1. That section 2, paragraph (4), is hereby amended by striking out the language therein and substituting the following:

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchaser or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MARINE WAR RISK INSURANCE

The Clerk called the next bill, H. R. 6554, to amend war risk insurance provision of the Merchant Marine Act, 1936, as amended, in order to expedite ocean transportation and assist the war effort.

Mr. BATES of Massachusetts. Mr. Speaker, reserving the right to object—and I do this only to inquire from the chairman as to the provisions of this particular bill—just what particular war-risk insurance does this bill imply?

Mr. BLAND. The purpose of this bill is to broaden the scope and liberalize the conditions under which insurance may be granted.

At the time the original insurance bill was passed we were not at war, and the purpose of the insurance bill then was to take care of a situation that is inapplicable to a nation that is at war. It was provided that we should take care of hulls, of cargoes, and personnel on American-flag ships; and, of course, American-flag ships under the Neutrality Act were not permitted to go into the war zone. The situation is entirely different now.

We are using foreign ships. We have a specific purpose in view—to win the war; and we must use all the ships we can get our hands on, whatever their flags may be. If necessary we have got to insure the movement of the water-borne commerce of the United States.

I would like for this bill to pass by unanimous consent. It has been reported by our committee. The gentleman from New Jersey [Mr. HART] may desire to further explain the bill, which was reported by him; however, there is already pending, and will be presented today, a rule for the consideration of this measure. So it rests entirely with the House. I should like to get the bill out of the way, because as it is now we are limited in the exercise of the insurance law we passed sometime ago. That law does not apply to foreign-flag ships that are used in the transportation of American water-borne commerce.

Mr. BATES of Massachusetts. There is no restriction in this bill at the present time in respect to underwriting war-risk insurance on American vessels?

Mr. BLAND. It is broadened in this bill and takes in fishing vessels, I may say to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. As I understand, fishing vessels have already been included within the scope of the present law. This bill in no way restricts, does it?

Mr. BLAND. Not at all. It broadens and liberalizes the conditions under which insurance may be granted.

Mr. DONDERO. Mr. Speaker, further reserving the right to object, may I ask the gentleman. Is it broad enough to include the fishing industry in the Great Lakes area?

Mr. BLAND. I do not have in mind the Great Lakes. I think it does, but I would not like to say definitely.

Mr. DONDERO. That is the difficulty. I am afraid that sometimes we are entirely left out of mind and I do not want that to happen.

Mr. HART. May I say to the gentleman that it includes the fishing industry in whatever section of the country it might be located, provided it is engaged in the water-borne commerce of the United States.

Mr. BLAND. I think that statement is accurate.

Mr. DONDERO. That would cover the Great Lakes.

Mr. SABATH. May I say to the gentleman that after the Rules Committee listened to the gentleman from Virginia and the gentleman from New York, both gentlemen thoroughly and intelligently explaining the bill, the Rules Committee by unanimous vote granted a rule for the consideration of this bill. This will merely save time.

Mr. GORE. Mr. Speaker, reserving the right to object, and it is very much to my dislike to object to the present consideration of the bill, but I have read the bill and so far as I am able to determine it is thoroughly meritorious. However, as is evidenced by the number of questions that have been asked, it is entirely too important a bill to be passed by unanimous consent. In view of the



fact a rule has already been granted, I believe the gentleman from Virginia will agree it should be discussed more fully by the House.

Mr. BLAND. That is entirely up to the House.

Mr. PLOESER. Does not this bill set up in the Maritime Commission an insurance situation which is similar to the war-risk insurance bill that was recently passed by the House?

Mr. BLAND. It is broader.

Mr. GORE. I am not going to discuss the bill and for the reason that these questions have been raised, I object, Mr. Speaker.

#### COMPACTS BETWEEN ATLANTIC COAST STATES FOR REGULATION OF FISHING

The Clerk called the next bill, H. R. 6020, granting the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. Speaker, reserving the right to object, the statement which I made in reference to the previous bill on the calendar applies to this bill, therefore I object.

Mr. BLAND. Mr. Speaker, may I ask the gentleman to withdraw his objection? I shall ask unanimous consent that the bill be passed over for the present, retaining its place on the calendar without prejudice. I felt very much like the gentleman did about this bill and opposed it very vigorously until I was converted. The Virginia State Legislature has passed a bill, which has not yet been signed by the Governor; and I will ask unanimous consent to have this bill passed over because I wish to introduce an amendment.

Mr. GORE. Mr. Speaker, I withdraw my objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

#### AMENDMENT TO NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 4743, providing for the naturalization of certain wives and children of citizens of the United States who lost citizenship through service in the Allied forces during the World War.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, I object.

Mr. ANDREWS. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHULTE. I withhold it.

Mr. ANDREWS. Mr. Speaker, all this bill does is grant citizenship to some very few persons in the country who originally were citizens and lost that citizenship and came back to this country. These persons served with the Allied forces, particularly Canada, during the last war. It gives them and their

families the right to become American citizens. That is all it does.

Mr. SCHULTE. I grant everything my friend says as being true and there is no reason why I should doubt his statement. But in view of the actions that have been taken on some of these immigration laws and in view of what has happened at Pearl Harbor, may I say to the gentleman that I am taking no more chances on being liberal. That is the reason I want to go into this bill. I object.

Mr. ANDREWS. Mr. Speaker, may I ask unanimous consent that the bill be passed over without prejudice?

Mr. SCHULTE. Mr. Speaker, I withdraw my objection to let it go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. ANDREWS]?

There was no objection.

#### INCREASE IN PERMANENT INSTRUCTION STAFF AT UNITED STATES COAST GUARD ACADEMY

The Clerk called the next bill, H. R. 6641, to amend the act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act approved April 16, 1937 (50 Stat. 66), be, and the same is hereby, amended as follows:

(a) Section 1, first sentence, after the word "heads", insert the words "or assistant heads".

(b) Strike out section 3 and insert in lieu thereof the following:

"Sec. 3. The Secretary of the Treasury, or the Secretary of the Navy when the Coast Guard is operating as a part of the Navy pursuant to law, is authorized to appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as he deems necessary, and the compensation of such appointees shall be fixed in accordance with the Classification Act of 1923, as amended."

With the following committee amendment:

Page 2, line 4, after the word "necessary", insert "not to exceed eight."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider was laid on the table.

#### BRIDGE ACROSS BAYOU LAFOURCHE AT VALENTINE, LA.

The Clerk called the next bill, S. 1971, to legalize a bridge across Bayou Lafourche at Valentine, La.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Reserving the right to object, Mr. Speaker, is this to be a toll bridge?

Mr. BULWINKLE. The gentleman from New York [Mr. WADSWORTH] is a member of the subcommittee in charge of this bill and he can tell the gentleman whether or not this is a toll bridge.

Mr. HOLMES. If the gentleman will yield, in reply to the gentleman from Indiana, may I say that this is a pontoon

bridge which has been there a good many years. It was placed across the river illegally and this bill seeks to legalize its status. I do not believe this is a toll bridge; I think it is a free bridge.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, until we can find out whether it is a toll bridge or a free bridge.

Mr. BULWINKLE. I may say to the gentleman from Indiana that I believe we are not passing any toll bridges.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from New York.

Mr. WADSWORTH. The Committee on Interstate and Foreign Commerce has not reported any legislation authorizing privately owned or built toll bridges. This bridge was built by a private company some years ago without realizing that the waters which it crosses were regarded as navigable. There has never been any complaint against it. However, they suddenly waked up to the fact that it would be better if they had had the permission of the Army engineers and the Bureau of Roads. This bill is to legalize the existence of a bridge which has been there a long time. Both the Army engineers and the other branch of the Government concerned O. K. it.

Mr. SCHULTE. Mr. Speaker, I withdraw my request and my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by Valentine Sugars across Bayou Lafourche at Valentine, La.: *Provided,* That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

Sec. 2. When the location and plans of said bridge have been approved as provided in section 1 of this act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TOLL BRIDGE ACROSS THE STRAITS OF MACKINAC, ST. IGNACE, MICH.

The Clerk called the next bill, S. 2133, to revive and reenact the act entitled "An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan," approved September 25, 1940.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.







77TH CONGRESS  
2D SESSION

# H. R. 6360

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 5), 1942

Read twice and referred to the Committee on Agriculture and Forestry

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## AN ACT

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

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2       *tives of the United States of America in Congress assembled,*  
3       That the Perishable Agricultural Commodities Act, 1930  
4       (46 Stat. 531), as amended, be amended as follows:

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9       to make, for a fraudulent purpose, any false or misleading  
10      statement in connection with any transaction involving any

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United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 77<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 88

WASHINGTON, TUESDAY, MARCH 17, 1942

No. 55

## Senate

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

Most mighty God and Father of us all, who art greater, wiser and more glorious than we can ever know, who leadest us, whether in our pride or our humility, by ways we cannot understand: Give us an heart to love and worship Thee as the perfection of beauty after which we sigh, though we cannot attain unto it, and, out of Thy bounteous goodness, we beseech Thee to guide us in judgment, for though our eyes be holden, yet we believe in Thee, that Thou art and that Thou wilt grant us the vision of Thyself.

Make us true economists of happiness as we learn the use of joy and true beneficence in these days that need not only courage, but a wholesome gladness amid the reactions of lassitude caused by the wear and tear, the strain and stress of daily life; gladness amid the depression and uncertainty created by the deepening complexity of problems that are yet unsolved.

And now we ask that Thou wilt unfold to us the deepest thoughts which can fill the heart of our humanity with a sense of wonder and of power, thoughts which shall become the precious lifeblood of a master spirit, treasured up on purpose to a life beyond our life. In our Saviour's Name, we ask it. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 16, 1942, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alten	Barkley	Brown
Austin	Bilbo	Bulow
Ball	Bone	Burton
Bankhead	Brewster	Butler
Barbour	Brooks	Byrd

Capper	Johnson, Calif.	Reynolds
Caraway	Johnson, Colo.	Rosier
Chandler	La Follette	Russell
Chavez	Langer	Schwartz
Clark, Idaho	Lee	Shipstead
Clark, Mo.	Lucas	Smathers
Connally	McCarran	Smith
Danaher	McFarland	Spencer
Davis	McKellar	Stewart
Doxey	McNary	Taft
Ellender	Maloney	Thomas, Idaho
George	Mead	Thomas, Okla.
Gerry	Millikin	Thomas, Utah
Gillette	Murdock	Truman
Glass	Murray	Tunnell
Guffey	Nye	Tydings
Gurney	O'Daniel	Vandenberg
Hayden	O'Mahoney	Van Nuys
Herring	Overton	Wheeler
Hill	Pepper	White
Holman	Radcliffe	Willis
Hughes	Reed	

Mr. McNARY. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. BUNKER], the Senator from Rhode Island [Mr. GREEN], the Senator from South Carolina [Mr. MAYBANK], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. AUSTIN. The Senator from Minnesota [Mr. BALL] is a member of the Senate committee holding hearings in the West on matters pertaining to the national defense and is therefore unable to be present.

The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

### REPORT ON A STUDY OF THE PARK AND RECREATION PROBLEM

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the National Park Service of the Interior Department on A Study of the Park and Recreation Problem of the United States (with an accompanying report); to the Committee on Public Lands and Surveys.

### DISPOSITION OF EXECUTIVE PAPERS

Letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of War (2) and Agriculture (5); the Federal Trade Commission (2), Federal Security Agency, Federal Security Agency (Food and Drug Administration), Federal Works Agency, and the National Archives, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

### PETITIONS

Petitions were presented and referred as indicated:

#### By Mr. CAPPER:

A petition, numerous signed, of sundry citizens of Fort Scott, Kans., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

#### By Mr. TYDINGS:

Petitions, numerous signed, of sundry citizens of the State of Maryland, praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

### ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 16, 1942, that committee presented to the President of the United States the enrolled bill (S. 2249) authorizing appropriations for the United



States Navy, additional ordnance manufacturing and production facilities, and for other purposes.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOXEY:

S. 2376. A bill to authorize the Secretary of the Interior to cooperate with the States in the carrying out of projects designed to develop, restore, and replenish supplies of commercial sea foods; to the Committee on Commerce.

By Mr. McCARRAN:

S. 2377. A bill to authorize the Commissioners of the District of Columbia to assign officers and members of the Metropolitan Police force to duty in the Detective Bureau of the Metropolitan Police Department, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'MAHONEY:

S. 2378. A bill to promote the development and production of minerals belonging to the United States, to authorize the construction and operation of electrical facilities, to promote utilization of the natural resources of the Nation, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BROWN:

S. 2379. A bill for the relief of G. F. Allen, Chief Disbursing Officer, Treasury Department, and for other purposes; to the Committee on Claims.

By Mr. GURNEY:

S. 2380. A bill to suspend for the duration of the present war all prohibitions against the marriage of officers of the land and naval forces of the United States; to the Committee on Military Affairs.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H. R. 5016. An act to amend section 1 of the act approved August 19, 1937 (50 Stat. 700), entitled "An act to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes";

H. R. 5719. An act to abolish the Guilford Courthouse National Military Park Commission, and for other purposes; and

H. R. 6625. An act granting the consent of Congress to an amendment to the Constitution of the State of New Mexico, providing a method for executing leases for grazing and agricultural purposes on lands granted or confirmed to the State of New Mexico by the act of Congress approved June 20, 1910; to the Committee on Public Lands and Surveys.

H. R. 5636. An act to expedite the settlement of claims and accounts incident to certain agricultural adjustment programs, and for other purposes; and

H. R. 6360. An act to amend the act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended; to the Committee on Agriculture and Forestry.

H. R. 5860. An act declaring certain lands to be a part of the public domain and providing for the administration thereof; to the Committee on Indian Affairs.

H. R. 5866. An act for the relief of the city of Atlanta, Ga.; to the Committee on Claims.

H. R. 5962. An act to ratify and confirm Act 20 of the Special Session Laws of Hawaii, 1941, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935; and

H. R. 6166. An act to approve Act No. 70 of the Special Session Laws of Hawaii, 1941, reducing the rate of interest on loans and providing for the reamortization of indebtedness to the Farm Loan Board; to the Committee on Territories and Insular Affairs.

H. R. 6387. An act to extend the crediting of military service under the Railroad Retirement Acts, and for other purposes; and

H. R. 6730. An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry; to the Committee on Interstate Commerce.

H. R. 6495. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the village of Brooklyn Center, Minn.;

H. R. 6341. An act to amend the act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937; and

H. J. Res. 263. Joint resolution to provide decorations for outstanding conduct or service by persons serving in the American merchant marine; to the Committee on Commerce.

#### ADDRESSES AND PAPERS OF FRANKLIN D. ROOSEVELT: DEVELOPMENT OF UNITED STATES FOREIGN POLICY, 1933-41

Mr. OVERTON. I ask unanimous consent to have printed as a Senate document certain outstanding addresses and papers of Franklin D. Roosevelt relating to peace and war covering the period 1933-41, inclusive. These addresses, messages, and letters have been compiled from the Public Papers and Addresses of Franklin D. Roosevelt, 1933-40, the CONGRESSIONAL RECORD, the Department of State Bulletin, White House releases, and other official sources.

This compilation is intended to present the chronological development of the foreign policy of the United States from the announcement of the good-neighbor policy in 1933 through the war declarations of 1941.

Mr. BONE. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield.

Mr. BONE. I rise to inquire of the Senator from Louisiana if the dossier to which he refers contains the public statements and messages of the President dealing with his recommendations to Congress by the way of appropriations and such allied matters which are involved in the whole war problem?

Mr. OVERTON. The compilation does not contain all the speeches or all the messages of the President, but those contained in it have been very carefully selected as representing the most important utterances of the President, in whatever form they were made, whether as public addresses, fireside talks, addresses before both Houses of Congress, or press releases which indicate the foreign policy of the United States, both before the present war and after we entered into the war, and with particular relation to the war. I have requested that they be published because I think they will be of great historical value.

Mr. BONE. There can be no doubt about that, but I wonder if they contain

all the President's recommendations as to specific appropriations for the Army, for the Navy, and for national defense, and matters of that sort.

Mr. OVERTON. No; they do not contain all the recommendations with respect to all appropriations.

Mr. BONE. Of course, in many of his recommendations the President has been very specific as to how and for what purpose the money was to be used, which is important to know in connection with the general long-term effect of the operation that was to be conducted under an appropriation when it was made available.

The VICE PRESIDENT. Without objection, the compilation presented by the Senator from Louisiana will be printed as a document.

#### THE NAZI LAND POLICY—ADDRESS BY T. E. HOWARD

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the Appendix and address by T. E. Howard, former president of the Farmers Union of Colorado, on the subject The Nazi Land Policy Will Enslave Millions, which appears in the Appendix.]

#### A LETTER TO DONALD NELSON FROM FRANK J. WOLF

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a letter to Donald Nelson from Frank J. Wolf, publisher of the Colorado Monitor, and printed in the issue of the Monitor of March 13, 1942, which appears in the Appendix.]

#### WASTEFUL SPENDING—EDITORIAL FROM KANSAS CITY TIMES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial from the Kansas City Times entitled "Kick All of It Out," which appears in the Appendix.]

#### AN OPEN LETTER TO THE PRESIDENT—EDITORIAL FROM THE CHARLOTTE (N. C.) OBSERVER

[Mr. BYRD asked and obtained leave to have printed in the RECORD an editorial entitled "An Open Letter to the President," published in the Charlotte (N. C.) Observer of March 12, 1942, which appears in the Appendix.]

#### A PRACTICAL METHOD OF PILOT SELECTION

[Mr. ROSIER asked and obtained leave to have printed in the RECORD an article from the Proceedings of the Staff Meetings of the Mayo Clinic, entitled "A Practical Method of Pilot Selection," which appears in the Appendix.]

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1762. An act to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz.;

S. 1971. An act to legalize a bridge across Bayou Lafourche at Valentine, La.;





## Calendar No. 1227

77TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 1188

## AMENDING THE ACT KNOWN AS THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

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MARCH 23 (legislative day, MARCH 5), 1942.—Ordered to be printed

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Mr. SMITH, from the Committee on Agriculture and Forestry, submitted the following

## REPORT

[To accompany H. R. 6360]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 6360) to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended, having considered the same, report thereon with the recommendation that the bill do pass without amendment.

A full explanation of the bill is incorporated in the House report which is attached hereto and titled "Exhibit A."

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EXHIBIT A

[H. Rept. No. 1840, 77th Cong., 2d sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 6360) to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended, having considered the same, report thereon with a recommendation that it do pass, without amendment.

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STATEMENT

This bill was introduced at the request of the Department, as will be shown from attached letter addressed to the Speaker of the House. This letter will also explain the provisions of the bill and the need for its enactment.

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DEPARTMENT OF AGRICULTURE,  
Washington, D. C., January 3, 1942.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is submitted herewith a copy of a proposed bill to amend section 2, paragraph 4, of the Perishable Agricultural Commodities Act, 1930, as amended. This draft is submitted with the hope that it may be given favorable consideration at the earliest possible moment, as a specially constituted three-judge Federal court, sitting in the city of Chicago, Ill., rendered a decision



on December 18, 1941, which will disrupt the efficient administration and enforcement of the act.

This decision relates to the interpretation of section 2, paragraph 4, of the Perishable Agricultural Commodities Act, which provides among other things, that it shall be a violation of the act for any commission merchant, dealer, or broker "to fail or refuse truly and correctly to account promptly in respect of any transaction in any such commodity to the person with whom such transaction is had." For the more than 11 years that this law has been in effect it has always been considered that the phrase "to account" included the actual making of payment. This view was held justified by various court decisions, including one under the Produce Agency Act (44 Stat. 1355) in which the same language appears.

Recently proceedings were initiated in Chicago seeking to have set aside an order of the Secretary of Agriculture revoking the license of Gerstein & Co., of Chicago, for failure to pay growers and shippers for produce involved in transactions conducted by it. The specially constituted three-judge Federal court which considered this matter, has just decided that the word "account," as used in the Perishable Agricultural Commodities Act, does not include the making of payment. From the record of discussion of this measure in Congress prior to its enactment, and especially from the report of the Committee on Agriculture of the House of Representatives, we are convinced that Congress clearly intended that the word "account" should be considered as including the making of payment. Unless it is so considered, it will be sufficient hereafter for any commission merchant selling goods for the account of growers or others merely to transmit to his principal an account sales showing the amount due without making any payment therefor; likewise, any dealer who buys fresh fruits or fresh vegetables will be able, under the court's interpretation, to satisfy the requirements of this act by furnishing a mere statement to the seller that a certain amount is due. Such an interpretation obviously destroys the value of that portion of paragraph 4 of section 2 relating to accounting, and nullifies what we believe to be the clear desire of Congress on this point. Unless rectified speedily a chaotic situation is bound to be created in the produce industry by those seeking to take advantage of this court decision. *U.S. Rep. 1188, H. Rep. 1840, 77th Cong., 2d*

While it is the intention of the Department to request the Department of Justice to carry this issue to the Supreme Court of the United States, it is realized that such a proceeding, of a necessity, requires considerable time. Meanwhile, we shall be at a loss to know how to proceed with complaints under the Perishable Agricultural Commodities Act involving failure truly and correctly to account, which complaints constitute more than 50 percent of those arising under the act. If the Supreme Court should sustain the decision of the court, we might find ourselves compelled thereafter to refuse all complaints involving failure truly and correctly to account. It is believed, therefore, that the most efficient and practicable manner of handling the situation is to seek speedy action on the proposed amendment.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

GROVER B. HILL,  
Assistant Secretary.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Perishable Agricultural Commodities Act, 1930, as amended, made by the reported bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

\* \* \* \* \*

"[(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect to any transaction in any such commodity to the person with whom such transaction is had;]



*"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction;"*.





Calendar No. 1227

77TH CONGRESS  
2D SESSION

# H. R. 6360

[Report No. 1188]

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 5), 1942

Read twice and referred to the Committee on Agriculture and Forestry

MARCH 23 (legislative day, MARCH 5), 1942

Reported by Mr. SMITH, without amendment

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## AN ACT

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That the Perishable Agricultural Commodities Act, 1930  
4       (46 Stat. 531), as amended, be amended as follows:

5       "SECTION 1. That section 2, paragraph (4) is hereby  
6       amended by striking out the language therein and substitut-  
7       ing the following:

8       "(4) For any commission merchant, dealer, or broker  
9       to make, for a fraudulent purpose, any false or misleading  
10      statement in connection with any transaction involving any

1 perishable agricultural commodity which is received in inter-  
2 state or foreign commerce by such commission merchant, or  
3 bought or sold, or contracted to be bought, sold, or consigned,  
4 in such commerce by such dealer, or the purchaser or sale of  
5 which in such commerce is negotiated by such broker; or to  
6 fail or refuse truly and correctly to account and make full  
7 payment promptly in respect of any transaction in any such  
8 commodity to the person with whom such transaction is had;  
9 or to fail, without reasonable cause, to perform any specifica-  
10 tion or duty, express or implied, arising out of any under-  
11 taking in connection with any such transaction;”.

Passed the House of Representatives March 16, 1942.

Attest:

SOUTH TRIMBLE,

*Clerk.*





77<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6360

[Report No. 1188]

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## AN ACT

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To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

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MARCH 17 (legislative day, MARCH 5), 1942  
Read twice and referred to the Committee on  
Agriculture and Forestry

MARCH 23 (legislative day, MARCH 5), 1942  
Reported without amendment

izens of Connecticut, and referring to strikes, lock-outs, or refusal to convert plants, and so forth. This petition is addressed to me and to my colleague, the junior Senator from Connecticut [Mr. DANAHY], and to Representative JOSEPH E. TALBOT, of the Fifth District of Connecticut.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Connecticut will be received and referred to the Committee on Education and Labor.

#### PREPARATION FOR PEACE—PETITION

Mr. MALONEY. Mr. President, I also present for reference to the appropriate committee a petition signed by Miss Mary Ware Dennett, chairman of World Federalists, and many other citizens of the State of Connecticut, referring to the need that we "prepare in time of war for lasting peace," and suggesting the "calling at the earliest possible moment of a convention of representatives of all free peoples to frame a world federal constitution."

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Connecticut will be received and referred to the Committee on Foreign Relations.

#### RESOLUTION OF LOYALTY BY CITIZENS OF BRISTOL, R. I.

Mr. GREEN. Mr. President, I have received and now present a resolution passed by the patriotic citizens of the town of Bristol, R. I., pledging their loyalty to our Commander in Chief in this world-wide war. I ask that the resolution be printed in the body of the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

*Resolved*, Whereas we, the citizens of the town of Bristol, R. I., assembled as free citizens in our time-honored and democratic annual town meeting, mindful of our historical heritage extending back of the date of the adoption of our National Government and proud of the patriotic support which our citizenry has given to our Nation and our State in every period of crisis, do now pledge our loyalty to our Commander in Chief, the President of the United States, and solemnly bind ourselves to do everything in our power to bring victory to our country in this world-wide conflict; and be it further

*Resolved*, That a copy of this resolution be spread upon the records of the town and that a certified copy be forwarded by the town clerk to the President of the United States.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, from the Committee on Agriculture and Forestry:

H. R. 6360. A bill to amend the act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended; without amendment (Rept. No. 1188).

By Mr. REYNOLDS, from the Committee on Military Affairs:

S. 2387. A bill to equalize the rates of pay of all personnel in the United States Army, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes; without amendment (Rept. No. 1189).

By Mr. GURNEY, from the Committee on Military Affairs:

S. 2380. A bill to suspend for the duration of the present war all prohibitions against the marriage of officers of the land and naval forces of the United States; with an amendment (Rept. No. 1190).

#### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On March 18, 1942:

S. 1762. An act to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz.;

S. 1971. An act to legalize a bridge across Bayou Lafourche at Valentine, La.;

S. 2089. An act to authorize the transfer of the custody of a portion of the Croatan National Forest, N. C., from the Department of Agriculture to the Department of the Navy;

S. 2134. An act to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the St. Marys River from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940; and

S. 2222. An act to authorize the Federal Works Administrator to acquire title, on behalf of the United States, to not more than 35 acres of land subject to certain reservations in the grantors.

On March 19, 1942:

S. 1564. An act for the relief of Pauline Caton Robertson;

S. 1669. An act for the relief of James Franklin Smith;

S. 1777. An act for the relief of Robert Lee Phillips and for the six minor children of Robert Lee Phillips and the late Estelle Phillips, namely, Robert Lee Phillips, Jr., James Rudolph Phillips, Katherine Phillips, Richard Eugene Phillips, Charles Ray Phillips, and David Delano Phillips;

S. 1898. An act for the relief of the heirs of Mrs. Nazaria Garcia, of Winslow, Ariz.;

S. 1906. An act for the relief of the estate of O. K. Himley;

S. 2063. An act to authorize certain officers and enlisted men of the Army of the United States to accept emblems, medals, orders, and decorations that have been tendered them by governments of the Western Hemisphere; and

S. 2198. An act to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

S. 2393. A bill relating to the publication in places where branch banks are operated of statements of resources and liabilities of banks, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. BILBO:

S. 2394. A bill to provide for the use of scientific tests to determine degree of intoxication of motor-vehicle operators in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

(Mr. CLARK of Idaho introduced Senate bill 2395, which was referred to the Committee on Mines and Mining, and appears under a separate heading.)

By Mr. MCCARRAN:

S. 2396. A bill to amend the Taylor Grazing Act for the purpose of providing for greater participation by district advisory

boards in administration

Committee on Public Lands  
(Mr. BILBO introduced which was referred to Military Affairs, and appropriate heading.)

By Mr. THOMAS of S. 2398. A bill authorizing parcels of land reserved in the patent issued the townsite of Fletcher, committee on Public Lands

By Mr. McKELLAR S. 2399. A bill to amend "An act to require the registration of persons employed by agencies for propaganda in the United States for other purposes," approved and amended; to the Committee

#### SUSPENSION OF ASSESSMENTS ON CERTAIN MINING CLAIMS

Mr. CLARK of Idaho recently the War Production Administration issued an order denying equipment to mines in the production of gold to the extent of 30 percent of the entire production. This is a very measurable hardship on small gold and silver producers. I ask consent that I may introduce a bill to suspend, for the duration of the war, the assessment which provides must be done in the West.

There being no objection, (S. 2395) to suspend, succeeding the termination of the provision of section 12B of the Revised Statutes requiring of \$100 worth of labor for \$100 worth of improvement on certain mining claims, by its title and referred to the Committee on Mines and Mining.

#### AMENDMENT TO AGRICULTURAL APPROPRIATION ACT

Mr. BILBO submitted a bill intended to be proposed as bill 6709, the Agricultural Appropriation bill for the fiscal year ending June 30, 1943, which the Committee on Appropriations ordered to be printed.

On page 75, at the end of a colon and the following: "That, notwithstanding the provisions of law, persons who in 1942 operated as tenants on cropland owned by the United States and who comply with the conditions of the 1942 agricultural program, formulated by sections 7 to 17, inclusive, of the Conservation and Domestic Allotment Act, as amended, shall be entitled to receive payments, or to receive payments made, for their participation in the same program to the same extent as producers."

#### LIMITATIONS ON CAPITAL

[Mr. REYNOLDS asked to have printed in the RECORD an article from the Post of March 22, 1942, relating to capital and labor, which appears in Appendix.]

#### LABOR AND WAR PRODUCTION ACT—TERRITORIAL FROM THE TRIBUNE

[Mr. REED asked to have printed in the RECORD



the Tulsa (Okla.) Tribune of March 1942, entitled "The People Are in Command," which appears in the Appendix.]

#### THE 40-HOUR WEEK—EDITORIAL FROM THE TOPEKA (KANS.) JOURNAL

[Mr. REED asked and obtained leave to have printed in the Record an editorial entitled "A Startling Statement," referring to a statement by the Under Secretary of War concerning the 40-hour week, which appears in the Appendix.]

#### ARMY AND NAVY SCHOOLS

[Mr. BILBO asked and obtained leave to have printed in the Record an editorial from the Washington Times-Herald of March 23, 1942, entitled "More Army and Navy Schools for Young MacArthurs," which appears in the Appendix.]

#### COMMENT ON ARTICLE OF DAVID LAWRENCE

[Mr. GUFFEY asked and obtained leave to have printed in the Record two letters from the Princeton Alumni Weekly concerning an article written by David Lawrence entitled "The New Alibi," which appear in the Appendix.]

#### SUPPORT OF THE PRESIDENT

[Mr. LEE asked and obtained leave to have printed in the Record an editorial written by Mr. J. C. Nance, of Oklahoma, entitled "Wave the Flag and Support the President," which appears in the Appendix.]

#### ARMY AND NAVY SCHOOLS

Mr. REYNOLDS. Mr. President, some time ago I introduced a bill providing for additional appointments to the Military Academy at West Point and the Naval Academy at Annapolis. This morning I read in the Washington Times-Herald an editorial entitled "More Army and Navy Schools for Young MacArthurs." I had intended asking that the editorial be inserted in the Appendix of the Record in support of the bill to which I have referred, but I understand the editorial has already been ordered printed in the Record at the request of the Senator from Mississippi [Mr. BILBO].

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) authorizing certain clerical changes in the enrollment of the bill (S. 2208) to further expedite the prosecution of the war.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1696) for the relief of Bessie Walden, and it was signed by the Vice President.

#### TOTAL MOBILIZATION FOR WAR

Mr. BILBO. Mr. President, the greatest problem confronting our Republic today is to make absolutely certain the winning of the war. To do this we must utilize all our manpower, womanpower, every dollar, all our resources, and potential production in the speedy and effective prosecution of the war.

In his annual message to the Congress on January 6, this year, President Roosevelt pronounced the following production aims:

First. To increase our production rate of airplanes so rapidly that in this year,

1942, we shall produce 60,000 planes; the rate of increase to be continued so that in 1943 we shall produce 125,000 planes—a total of 185,000.

Second. To increase our production rate of tanks so rapidly that in this year, 1942, we shall produce 45,000 tanks; and to continue that increase so that next year, 1943, we shall produce 75,000 tanks—a total of 120,000.

Third. To increase our production rate of antiaircraft guns so rapidly that in this year, 1942, we shall produce 20,000 of them; and to continue that increase so that next year, 1943, we shall produce 35,000 antiaircraft guns—a total of 55,000.

Fourth. To increase our production rate of merchant ships so rapidly that in this year, 1942, we shall build 8,000,000 deadweight tons as compared with a 1941 production of 1,000,000; and to continue that increase so that next year we shall build 10,000,000 tons—a total of 18,000,000 tons for the 2 years.

There is a great hue and cry about the lag in production of war equipment. The officials in charge of our war-production program tell us that airplane plants, for example, are operating at a rate of only 125 to 150 hours a week when their facilities could be used 168 hours a week. They tell us that loss in production in the aviation industry during the past three and a half months, alleged to be due to various inexcusable causes, has cost this country 3,000 planes which might have been built.

Just think what those 3,000 planes would have meant to our deathless heroes in the fox holes of the Philippines who are going through the tortures of hell in this mighty conflict between civilization and barbarism. Just think what they could mean to the magnificent MacArthur and his heroic troops now in Australia. Mr. Herbert V. Evatt, Australian Minister of External Affairs, who arrived here 2 or 3 days ago, has told us emphatically that aircraft must be provided at once. He said:

We can destroy Japanese aggression, but to do so aircraft must be provided at once. Next month may be a month too late.

Mr. Donald Nelson, head of the War Production Board, has stated that if all our plants and equipment now involved in war production were used 24 hours a day, 7 days a week, we would practically double our present production. We must double or treble our present rate of production if we expect to attain the goal to which we are pledged. Production recently stepped up to the rate of about 3,000 planes a month; but we must do much better than that.

We know that time is of the essence. The Allied Nations are agreed that "time is but a treacherous ally, ready to fight on either side," and that an Allied victory in this globe-embracing war calls for speed and more speed in the production of more and more planes and tanks and ships and guns.

We know concentration of control over raw and manufactured materials in the hands of a few larger corporations or holding companies has endangered our chances of success in the war; and that

it is absolutely imperative that we take immediate steps to correlate all our facilities and resources in order to win the war.

We know that every extra year of war will mean hundreds of thousands, perhaps millions, more killed and wounded, and billions of dollars more in expenditures to finance the war.

There is a rising tide of bitter protest because of the manner in which labor is behaving, or misbehaving. Volumes of scathing words have been hurled forth in acrimonious criticism of the Congress, the President, and the whole Democratic administration, including the Army, Air Corps, and Navy, charging us with coddling labor, condemning us for not making labor behave more patriotically. I must say that I have found most of this criticism to be highly exaggerated propaganda. I am told that as of March 17 there were between seven and one-half and eight million men in the United States at work in war industries and fewer than 100 on strike. It is manifestly unfair to lay all the blame at the door of organized labor. There has been too much of a tendency to single out labor as a horrible example.

Yes; it is true that before the infamous attack at Pearl Harbor we had far too many strikes, lay-offs, and stoppages in the war-industry plants of the Nation, but all these delays cannot be charged to organized labor, because in many cases the fault was in the employer or management. Capital and organized labor should share equally this responsibility for delay or failure, but since Pearl Harbor, be it said to the credit of both organized labor and industry, the delays and stoppages in the war industry of the Nation have been infinitesimally small when compared to the eight or ten million hard-working and patriotic men who have faithfully toiled to produce speedily the implements with which to win this war. Only in a very few cases in the thousands of war industrial plants throughout the entire Nation should a few unpatriotic, trouble-breeding labor leaders and greedy, selfish, profit-crazed industrialists have been promptly "shot at sunrise" or, as they would say in Germany, "liquidated."

Yes; many newspapers, columnists, politicians, and others in letters to the Congress are demanding that the President and the Congress "crack down" on organized labor and take away from labor many of the legal rights and gains they have attained in a fight and struggle over a period of 50 years—a battle, a struggle, to give the men and women who toil and produce a real "break in life"—freeing them from oppression, from the selfish, profit-mad employers and industrialists, freeing them and their families from virtual slavery, long hours of toil at low wages, unsanitary and hazardous labor conditions, and low, miserable living conditions and standards of life.

I have only one boy, and he is possibly on his way to Australia. Therefore, I share the feelings of anxiety and impatience of the many well-meaning critics who want to "crack down" on labor, industrialists, or on any other person who would for a moment delay the production

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**FIRST NATIONAL BANK OF HUNTSVILLE, TEX.**

The bill (S. 2309) for the relief of the First National Bank of Huntsville, Tex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the First National Bank, Huntsville, Tex., the sum of \$105.61, in full settlement of the claim of the said bank on account of two checks numbered 4120725 and 5455048, dated November 1, 1940, in the amounts of \$27.66 and \$77.95, respectively, drawn on the Treasurer of the United States by the Division of Disbursement, Treasury Department, over symbol No. 894-404, in favor of Jesse Cooper Hickman, and cashed by the said bank on the endorsement of Mrs. Jesse Cooper Hickman as temporary guardian, such checks thereafter being erroneously canceled by the Division of Disbursement, Treasury Department, and the amounts thereof included in a new check issued to Mrs. Jesse Cooper Hickman: *Provided*, That nothing herein contained shall be construed to relieve the said Mrs. Jesse Cooper Hickman from any liability to the United States on account of any amounts improperly received by her: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**MR. AND MRS. R. F. CLAUD**

The Senate proceeded to consider the bill (S. 1227) for the relief of Mr. and Mrs. R. F. Claud, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, to strike out "\$1,000" and insert "\$541", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. R. F. Claud, of Clinton, Ky., the sum of \$541, in full settlement of all their claims against the United States for personal injuries suffered on December 19, 1939, at about 6:30 p. m., when the car in which they were riding ran into a ditch which had been cut across the road by employees of the Work Projects Administration, and which at the time of the accident was without any warning signs or lights: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

**ANTHONY FAMIGLIETTI**

The Senate proceeded to consider the bill (S. 1334) for the relief of Anthony Famiglietti, which had been reported from the Committee on Claims, with an

amendment, on page 1, line 6, to strike out "\$1,000" and insert "\$500", so as to read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Famiglietti, of Providence, R. I., the sum of \$500, in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Work Projects Administration, in the village of Chepachet, in the town of Glocester, R. I., on March 22, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

**BILL PASSED OVER**

The bill (S. 2025) to readjust the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was announced as next in order.

Mr. CLARK of Missouri. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

**REPORT ON TRANSPORT AIRCRAFT PRODUCTION AND PLANS**

The resolution (S. Res. 228) calling on the Civil Aeronautics Authority for a report on transport aircraft production since 1938 and plans for future development of the air-transport industry was announced as next in order.

Mr. CLARK of Missouri. Mr. President, I intend to ask that the resolution go over for the reason that the subject matter of the resolution is not properly within the jurisdiction of the Committee on Interstate Commerce. Jurisdiction of this subject matter has always been held in this body by the Committee on Commerce.

The PRESIDING OFFICER. On objection, the resolution will be passed over.

Mr. GEORGE. Mr. President, I made inquiry, and was told that the resolution should go to the Committee on Interstate Commerce, and it was sent there.

Mr. CLARK of Missouri. The subject matter of the resolution has always been handled by the Committee on Commerce, at least, ever since I have been a Member of the Senate.

Mr. GEORGE. It is merely a resolution calling for information.

Mr. CLARK of Missouri. The Committee on Commerce has always held jurisdiction over the whole subject matter of civil aviation.

Mr. GEORGE. I simply acted on the advice I received. It is a resolution which I myself asked to go to the committee; the resolution merely asks for information.

Mr. CLARK of Missouri. I do not know anything about the resolution, but I do not propose to have established in another committee jurisdiction over a subject which always has been held under the jurisdiction of the Committee on Commerce.

Mr. GEORGE. I ask unanimous consent for the consideration of the resolution without reference to the committee which considered it. The resolution merely asks the Civil Aeronautics Board for information, and only information the disclosure of which is compatible with the public interest.

The PRESIDING OFFICER. Is there objection?

Mr. CLARK of Missouri. I have no objection.

There being no objection, the resolution was considered and agreed to, as follows:

*Resolved*, That the Civil Aeronautics Board be requested, if not inconsistent with the public interest, to report to the Senate of the United States at the earliest possible date what, if any, steps it has taken since 1938 to see that a great many more transport aircraft were built and in service, whether the air-transport industry has been, since that date, and is financially able to undertake expansion far beyond its present extent, and what steps the Board contemplates taking to see to it that the air-transport industry is able to and will develop in the future at the maximum possible rate.

The preamble was rejected.

**BILL PASSED OVER**

The bill (S. 975) to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act of 1935, was announced as next in order.

Mr. CLARK of Missouri. Mr. President, may we have an explanation of the bill?

Mr. GURNEY. The bill proposes by legislation to redefine the word "farm," so as to include other vocations than those we primarily think about when the word "farm" is used. It is proposed to have it include nurseries, ranges, and things of that sort, and certain industrial occupations, such as corn farmer or wheat farmer.

Mr. CLARK of Missouri. I ask that the bill go over until I have an opportunity to examine it.

The PRESIDING OFFICER. The bill will be passed over.

**AMENDMENT OF PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930**

The bill (H. R. 6360) to amend the act known as the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), approved June 10, 1930, as amended, was considered, ordered to a third reading, read the third time, and passed.

**EQUALIZATION OF PAY RATES OF ARMY, PHILIPPINE SCOUTS, AND PHILIPPINE COMMONWEALTH ARMY**

The bill (S. 2387) to equalize the rates of pay of all personnel in the United States Army, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes, was considered, ordered to be engrossed for a third read-



ing, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the last sentence of the second paragraph of section 36 of the act of February 2, 1901 (31 Stat. 757), as amended by the act of May 10, 1926 (44 Stat. 496), be, and the same is hereby, further amended to read as follows: "The pay and allowances of whatever nature and kind to be authorized for the personnel of the Philippine Scouts, and members of the Philippine Commonwealth Army while in the service of the armed forces of the United States, shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for the personnel of the Regular Army in corresponding grades."

#### SUSPENSION OF PROHIBITIONS AGAINST MARRIAGE OF OFFICERS OF LAND AND NAVAL FORCES

The Senate proceeded to consider the bill (S. 2380) to suspend for the duration of the present war all prohibitions against the marriage of officers of the land and naval forces of the United States, which had been reported from the Committee on Military Affairs, with an amendment, on page 1, line 8, after the word "engaged", to insert "or 6 months thereafter", so as to make the bill read:

*Be it enacted, etc.,* That, notwithstanding the provisions of any other law or regulation, no officer of the Army, Navy, Marine Corps, or Coast Guard shall be discharged, have his commission revoked, or be otherwise discriminated against because he was married at any time during any of the wars in which the United States is now engaged or 6 months thereafter, regardless of the length of time such officer has held his commission at the time of marriage.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CREDITING OF MILITARY SERVICE UNDER THE RAILROAD RETIREMENT ACT

The bill (H. R. 6387) to extend the crediting of military service under the Railroad Retirement Act, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### RELIEF OF DISBURSING OFFICERS OF THE ARMY, AND SETTLEMENT OF INDIVIDUAL CLAIMS

Mr. ELLENDER. Mr. President, I ask to revert to Calendar No. 1178, House bill 6328, and that it be now considered. The last time we considered the calendar this particular bill was passed over because of some objection. I desire to state that the bill is a departmental bill, the purpose of which is to authorize the Comptroller General of the United States to adjust accounts.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana to consider, out of order, House bill 6328, Calendar No. 1178?

There being no objection, the bill (H. R. 6328) was considered, ordered to a third reading, read the third time, and passed.

#### THOMAS SAMUEL WURIU

The Senate proceeded to consider the bill (S. 1944) for the relief of Thomas Samuel Wuriu, which had been reported from the Committee on Immigration

with an amendment, to strike out all after the enacting clause and insert:

That in the administration of the immigration and naturalization laws the Attorney General be, and he is hereby, authorized and directed to record the lawful admission into the United States for permanent residence of Thomas Samuel Wuriu as of August 30, 1925, the date on which he entered the United States, provided he is admissible under the immigration laws other than those relating to inadmissibility because of racial ineligibility.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JACQUES HAILPERN AND OTHERS

The Senate proceeded to consider the bill (H. R. 1541) for the relief of Jacques Hailpern, Max Hailpern, and Sally Hailpern Zaharia, which had been reported from the Committee on Immigration with an amendment, on page 1, in line 9, after the period, to strike out "Upon the enactment of this act, the Secretary of State shall instruct the proper quota control officer to deduct three numbers from the Rumanian quota of the first year that the said Rumanian quota is available."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### ALBERT EDWARD WHITESIDE

The bill (H. R. 2922) for the relief of Albert Edward Whiteside was considered, ordered to a third reading, read the third time, and passed.

#### ADJUSTMENT AND JURISDICTION OF TORT CLAIMS AGAINST THE UNITED STATES

The Senate proceeded to consider the bill (S. 2221) to provide for the adjustment of certain tort claims against the United States and to confer jurisdiction in respect thereto on the district courts of the United States, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

##### TITLE I—DEFINITIONS

SEC. 101. As used in this act, the term—"Federal agency" includes the executive departments and independent establishments of the United States, and corporations whose primary function is to act as and while acting as instrumentalities or agencies of the United States, whether or not authorized to sue and be sued in their own names: *Provided*, That this shall not be construed to include any contractor with the United States.

"Employee of the Government" includes officers or employees of any Federal agency, members of the military or naval forces of the United States, and persons acting on behalf of a Federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

##### TITLE II—ADMINISTRATIVE ADJUSTMENT OF TORT CLAIMS AGAINST THE UNITED STATES

SEC. 201. Subject to the limitations of this act, authority is hereby conferred upon the head of each Federal agency, or his designee for the purpose, acting on behalf of the

United States, to consider, ascertain, adjust, determine, and settle any claim against the United States for money only, accruing after the approval of this act, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed \$1,000, caused by the negligence of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the negligence occurred. Subject to the provisions of title III of this act, any such award or determination shall be final and conclusive on all officers of the Government except when procured by means of fraud, notwithstanding any other provision of law to the contrary. Any award made to any claimant pursuant to this section, and any award, compromise, or settlement of any claim cognizable under this act made by the Attorney General pursuant to section 304, shall be paid by the head of the Federal agency concerned out of appropriations that may be made therefor, which appropriations are hereby authorized. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employee of the Government whose negligence gave rise to the claim, by reason of the same subject matter.

SEC. 202. The head of each Federal agency shall annually make a report to the Congress of all claims presented to such Federal agency under this title. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, or other disposition made in each instance, and a brief description of the claim.

##### TITLE III—SUITS ON TORT CLAIMS AGAINST THE UNITED STATES

SEC. 301. Subject to the provisions of this act, the United States district court for the district wherein the act or omission complained of occurred, including the United States district courts for the Territories and possessions of the United States, sitting as a court of claims without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any claim against the United States, for money only, in any amount not exceeding the sum of \$1,000, accruing after the date of approval of this act, on account of damage to or loss of property or on account of personal injury or death caused by the negligence of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the negligence occurred. Subject to the provisions of this act, the United States shall be liable in respect of such claims to the same claimants, in the same manner and to the same extent as a private individual under like circumstances, except that the United States shall not be liable for punitive damages, or interest, or costs. The judgment in such an action shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the Government whose negligence gave rise to the claim. No suit shall be instituted pursuant to this section upon a claim presented to any Federal agency pursuant to title II of this act unless such Federal agency has made final disposition of the claim: *Provided*, That the claimant may, upon 15 days' notice given in writing, withdraw the claim from consideration of the Federal agency and commence suit thereon pursuant to this section: *Provided further*, That as to any claim so disposed of or so with-

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[PUBLIC LAW 516—77TH CONGRESS]

[CHAPTER 211—2D SESSION]

[H. R. 6360]

AN ACT

To amend the Act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), as amended, be amended as follows:

"SECTION 1. That section 2, paragraph (4) is hereby amended by striking out the language therein and substituting the following:

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction;".

Approved, April 6, 1942.







